

IN THE UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF ARKANSAS  
TEXARKANA DIVISION

UNITED STATES OF AMERICA

RESPONDENT

VS.

CRIMINAL NO. 4:07-CR-40003  
CIVIL NO. 4:08-CV-4097

MICHAEL E. BROWN

MOVANT

**ORDER**

Before the Court is the Report and Recommendation filed on October 6, 2009, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (Doc. No. 78). The parties have waived their right to file written objections to the Magistrate's findings and recommendations pursuant to 28 U.S.C. § 636(b)(1).

Upon consideration, the Court adopts *in toto* the Magistrate's findings and recommendations. The Court finds that Movant Michael E. Brown's oral request to withdraw his Motion to Vacate Sentence should be and hereby is **granted**. Accordingly, the Motion to Vacate, Set Aside, or Correct Sentence Pursuant to 28 U.S.C. § 2255 (Doc. No. 60) should be and hereby is **denied** as withdrawn.

IT IS SO ORDERED, this 6<sup>th</sup> day of October, 2009.

/s/Harry F. Barnes  
Hon. Harry F. Barnes  
United States District Judge